

REMARKS/ARGUMENTS

Claims 1 through 3, 6 through 12, 15 through 18, 20 through 24 and 27 through 32 remain in this application. Claim 25 has been canceled without prejudice or disclaimer. Claims 1, 3, 6 through 8, 9, 11, 12, 15, 17, 20, 21, 22, 24, 27 through 29 and 31 have been amended.

Claims 1 through 4, 6 through 13, 15 through 18, 20 through 24, and 27 through 32 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,301,609 to Aravamudan, et al. ("Aravamudan, et al. patent").

The independent claims, namely claims 1, 9, 17 and 22, of the present application are hereby amended to substantially revert back to their condition after Applicants' amendment of March 4, 2005, but further include the limitation of gathering the device operating information including **status information and resource information** associated with the first device. Support for the above recitation is provided at page 4, lines 14 through 20, and page 7, lines 9 through 18, of the specification. Status information is generally known in the art, as represented by the Aravamudan, et al. patent. Resource information, which distinguishes from the status information, has been added back into the independent claims. Accordingly, all independent claims of the present application require gathering and transmitting device operating which includes both status information and resource information.

In contrast, the Aravamudan, et al. patent describes a unified messaging platform that conveys a user's online status from one CPE device to another (see col. 6, line 64, through col. 7, line 20). The Aravamudan, et al. patent also describes communicating pending events to a CPE

device, as described at col. 7, lines 21 through 40. Thus, the Aravamudan, et al. patent does not describe or suggest transmitting device operating information that includes resource information, let alone status information with the resource information, as required by claims 1, 9, 17 and 22.

The above Office Action references col. 9, lines 45 through 63, of the Aravamudan, et al. patent in rejecting the independent claims of the present application. This section of the Aravamudan, et al. patent describes the creation of buddy groups and specific attributes by a user of a CPE device. Applicants disagree with the assertion, by the above Office Action, that the specific attributes disclose the resource information of claims 1, 9, 17 and 22. More importantly, regardless of whether the specific attributes are similar to the resource information or not, it is clear that the Aravamudan, et al. patent does not describe or suggest transmitting the information to another device, as required by claims 1, 9, 17 and 22. Therefore, claims 1, 9, 17 and 22 as amended distinguish patentably from the Aravamudan, et al. patent.

It should be noted that, in rejecting claim 25, the above Office Action references col. 7, lines 21 through 40, of the Aravamudan, et al. patent. This section of the Aravamudan, et al. patent describes pending events, which are any outstanding data, communication, or notification received and held in abeyance during a time period when a user has been off-line or inactive. The pending events are quite different, and distinguishable, from the resource information of the pending claims. In addition, even if the pending events were considered to be similar to the resource information, the IM server of the Aravamudan, et al. patent sends an instant message communicating the event **after** the CSP receives notification of the user's presence online and checks for the pending events. Neither the IM server or the CSP of the Aravamudan, et al.

patent transmit the status information and the pending events together in the form of device operating information, as required by claims 1, 9, 17 and 22.

Claims 2, 3, 6 through 8, 10 through 12, 15, 16, 18, 20, 21, 23 through 24 and 27 through 32 depend from and include all limitations of independent claims 1, 9, 17 and 22 as amended. Therefore, claims 2, 3, 6 through 8, 10 through 12, 15, 16, 18, 20, 21, 23 through 24 and 27 through 32 distinguish patentably from the Aravamudan, et al. patent for the reasons stated above for claims 1, 9, 17 and 22.

In view of the above, reconsideration and withdrawal of the 35 U.S.C. §102(e) rejection of claims 1 through 3, 6 through 12, 15 through 18, 20 through 24 and 27 through 32 are respectfully requested.

CONCLUSION

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. Also, no amendment made was for the purpose of narrowing the scope of any claim, unless Applicants have argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The Commissioner is hereby authorized to deduct any additional fees arising as a result of this response, including any fees for Extensions of Time, or any other communication from or to credit any overpayments to Deposit Account No. 50-2117.

It is submitted that the claims clearly define the invention, are supported by the specification and drawings, and are in a condition for allowance. Applicants respectfully request

that a timely Notice of Allowance be issued in this case. Should the Examiner have any questions or concerns that may expedite prosecution of the present application, the Examiner is encouraged to telephone the undersigned.

Respectfully submitted,
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